

E-filed: 2/3/2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RAMBUS INC.,

Plaintiff,

v.

HYNIX SEMICONDUCTOR INC., HYNIX  
SEMICONDUCTOR AMERICA INC.,  
HYNIX SEMICONDUCTOR  
MANUFACTURING AMERICA INC.,

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC., SAMSUNG SEMICONDUCTOR, INC.,  
SAMSUNG AUSTIN SEMICONDUCTOR,  
L.P.,

NANYA TECHNOLOGY CORPORATION,  
NANYA TECHNOLOGY CORPORATION  
U.S.A.,

Defendants.

No. C-05-00334 RMW

ORDER OVERRULING NANYA'S  
OBJECTIONS AND REQUEST FOR  
MODIFICATION OF JUDGE AMBLER'S  
DECEMBER 13, 2007, ORDER REGARDING  
DEPOSITION OF DR. JIH LIEN

**[Re Docket No. 943]**

Nanya<sup>1</sup> objects to a Special Master's order imposing discovery sanctions for Nanya's failure to produce Dr. Jih Lien for a deposition, namely, that Dr. Jih Lien may not be called as a witness at trial in any capacity. Rambus opposes the objection. The court has reviewed the papers and considered the arguments of counsel. The court overrules Nanya's objections to the discovery

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<sup>1</sup> "Nanya" collectively refers to all of the Nanya entities sued in these cases, namely Nanya Technology Corporation and Nanya Technology Corporation U.S.A.

1 sanction.

2 Under the Joint Case Management Order, the court reviews the Special Master's orders as it  
3 would review a magistrate judge's order and will modify them "only if clearly erroneous or contrary  
4 to law." *See* Docket No. 174, C-05-00334, ¶ 2(c) (N.D. Cal. Apr. 24, 2007). Nanya does not  
5 address the standard of review in its papers, but suggests that Judge Ambler's imposition of  
6 discovery sanctions was "not justified."

7 Preventing a witness from testifying is an appropriate sanction for failure to produce him for  
8 a deposition. *See* Fed. R. Civ. P. 37(b)(2)(B); Fed. R. Civ. P. 37(b)(2)(A)(ii). Judge Ambler's order  
9 is therefore not "contrary to law." After reviewing the facts underlying Judge Ambler's order and  
10 the difficulties that occurred in producing Dr. Lien for his deposition, the court does not find that  
11 Judge Ambler's order was "clearly erroneous."

12 Accordingly, Nanya's objections and request for modification are overruled.

13  
14 DATED: 2/3/2008



RONALD M. WHYTE  
United States District Judge

Notice of this document has been electronically sent to:

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**Dated:** 2/3/2008

TSF  
**Chambers of Judge Whyte**